

**FEBRUARY 12, 2001**

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, FEBRUARY 12, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Stanley Laskowski, City Commissioner  
 Rene "Mr. V" Villarreal, City Commissioner  
 Filemon "Phil" Esquivel, Jr., Mayor  
 Arturo Pecos, City Commissioner  
 Al Garcia, City Commissioner

**CITY STAFF PRESENT:**

Hector M. Hinojosa, City Manager  
 Diana F. Valadez, City Secretary  
 Ruben Perez, City Attorney  
 Dora Byington, Director of Purchasing  
 Dianne Leubert, Sanitation Superintendent  
 Corando Garza, Assistant City Manager / Fire Chief  
 Stanley Fees, Director of Planning  
 Sam Granato, Chief of Police  
 Sammy Maldonado, Utilities Superintendent  
 Artemio Alvarez, Risk Manager

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Christopher Murray, an Eagle Scout Award recipient, led the Pledge of Allegiance.

**MINUTES OF PREVIOUS MEETING(S) - REQUIRED BY LAW.**

The Commission was presented with the minutes of the Regular Meetings held on Monday, November 13, 2000, November 27, 2000, December 11, 2000, January 08, 2001 and the Special Meetings held Monday, October 30, 2000, November 20, 2000, and December 18, 2000.

There being no corrections, a motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Stanley Laskowski to accept the minutes as presented. The motion passed by a unanimous vote.

**II. PUBLIC HEARING - (REQUIRED BY LAW).**

1. None.

**III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**

1. UPDATE FROM STAFF ON FOLLOWING QUESTIONS AT THE REQUEST OF THE MAYOR AND COMMISSIONERS.

A. APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION UNDER THE INFRASTRUCTURE PROGRAM FOR WATER AND WASTEWATER IMPROVEMENTS ON U.S. 77 BYPASS. (MAYOR ESQUIVEL).

Mr. Hector Hinojosa, City Manager stated that no financial commitments have been received from anyone to pay the \$10,000 being charged by the grant administrator.

Mr. Dick Messbarger, Executive Director of the Economic Development Corporation stated that Yaklin Motors is looking at the possibility of relocating to the area of General Cavazos and Highway 77, however there are some concerns with the expansion of utilities to their site.

Mayor Filemon "Phil" Esquivel, Jr. stated that the grant administrator, Mr. Raul Rubio, has a 99% success in obtaining EDA Grants. He stated that if Mr. Hinojosa obtains the funding of \$10,000 to pay for the grant administrator, then Mr. Rubio could proceed with the application.

Upon a question raised by Commissioner Laskowski, Mayor Esquivel responded that the additional \$55,000 for the grant administrator would be paid directly from the grant if it is awarded.

There was a discussion regarding the proposed utility extensions and future customers such as Kleberg County with the golf course and the Precinct #1 County Building, also needed improvements with the water trunk lines. There was also a discussion regarding impact fees and how the City could impose such fees.

Mayor Esquivel stated that if \$10,000 is obtained to submit the grant, all the property owners that are contributing the funds want to make sure that the City will not be asking them for any additional funds in the future.

Mayor Esquivel stated that he just wanted to make it clear that the \$10,000 for the grant administrator is being requested solely from the private sector and that the City of Kingsville will not be absorbing that cost.

**B. PRESENTATION BY MR. HAL HAM REGARDING THE RANCHING HERITAGE FESTIVAL. (COMMISSIONER LASKOWSKI).**

Mr. Hal Ham, Director of the Conner Museum briefed the Commission regarding the Ranching Heritage Festival scheduled for this weekend. He invited everyone to attend the festival.

**IV. PUBLIC COMMENT ON AGENDA ITEMS.**

Mr. Jose Dimas, with the firm of Dimas & Associates, addressed the Commission regarding services available by his company. Mr. Dimas explained to the Commission his experience as a lobbyist in Washington D.C. and how the City of Kingsville could benefit by hiring his firm.

Several students from H.M. King High School that addressed the Commission regarding the possibility of obtaining funds from the City of Kingsville. The students were Ms. Crystal Siedel, Ms. Amanda Garza, Ms. Alyson Fees, and Mr. John Michael Graves. They informed the Commission that their group will be working with engineers in NASA. The group will be at NASA for approximately ten days. The funds they are in search of will assist for their lodging, transportation, and meal costs. They all requested any assistance the Commission could provide.

## V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. INTRODUCTION OF ORDINANCE PROVIDING FOR THE CONTINUATION OF THE CURFEW REGULATIONS FOR MINORS, SECTIONS 13-2-10 TO 13-2-13, AND DAYTIME CURFEW REGULATIONS FOR MINORS SECTIONS 13-2-20 TO 13-2-23 OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE. (CITY ATTORNEY).

Mr. Ruben Perez, City Attorney stated that State law requires that a municipality review its curfew ordinances periodically. The proposed ordinance is exactly as it appears on the books at this time.

Mayor Esquivel requested that the Chief of Police brief the Commission on what effects the curfew ordinance has had since its adoption.

**Mayor Esquivel stated this was an introductory item only and final passage would be considered at the next regular meeting.**

2. INTRODUCTION OF ORDINANCE AMENDING SECTION 9-6-2 ACTS CREATING UNLAWFUL NOISES PROVIDING TIME LIMITS BETWEEN 10:00 P.M. AND 7:00 A.M. FOR THE PLAYING OF ANY RADIO, TELEVISION, PHONOGRAPH, OR MUSICAL INSTRUMENT IN A MANNER AS TO DISTURB THE PEACE. (COMMISSIONER GARCIA).

Commissioner Al Garcia stated that he requested this item be placed on the agenda because of complaints he has received regarding a musical group that practices in the early morning hours. He stated that the current noise ordinance does not make any provisions regarding specific hours. Commissioner Garcia stated that it is important to pass the ordinance at the next meeting.

There was a discussion regarding the actual hours that the ordinance should specify for enforcement purposes.

**Mayor Esquivel stated this was an introductory item only and final passage would be considered at the next regular meeting.**

3. INTRODUCTION OF AN ORDINANCE SETTING AND AMENDING FEES FOR INSPECTIONS, LICENSES, PERMITS, PLAN REVIEW, AND OTHER MISCELLANEOUS FEES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE. (CITY ENGINEER).

Mayor Esquivel thanked all of the contractors that participated in the committee that reviewed the ordinances. He named the following individuals that participated, Mr. Jim Altman, Mr. Sabas Perez, Mr. Gene Walshe, Mr. Edwin Stewart, Mr. Roger Pollard, Mr. Steve Zamora and Mrs. Sandy Maltby.

Mr. Stanley Fees, Director of Planning, briefed the Commission on the proposed changes in the ordinance.

**Mayor Esquivel stated this was an introductory item only and final passage would be considered at the next regular meeting.**

4. CONSIDER RESOLUTION DIRECTING TEXAS DEPARTMENT OF TRANSPORTATION TO PROCEED WITH CONSTRUCTION OF GENERAL CAVAZOS BOULEVARD AND REQUESTING THAT THE FUNDS DEDICATED TO THE OVERPASS BE REALLOCATED TO THE DEVELOPMENT OF ROADWAYS IN THE AREA OF FARM ROAD 1717 AND U.S. 77. (COMMISSIONER LASKOWSKI).

Commissioner Laskowski stated that he requested this item be placed on the agenda because the General Cavavos project improvements have been on hold for about one year. He stated that with the new development of the Navy Housing Project, traffic on General Cavazos and especially on Brahma Boulevard would definitely increase. Commissioner Laskowski stated that he wants to let the Texas Department of Transportation (TxDot) proceed with the improvements on General Cavazos and at the same time request that the money for the overpass be reallocated to improvements for Brahma Boulevard.

Mayor Esquivel stated that TxDot couldn't reallocate the 3.5 million to improvements on Brahma Boulevard because the money was specifically earmarked for a railroad overpass on General Cavazos. He stated that the City of Kingsville has to come up with 1.5 million dollars and TxDot is current researching on how the 1.5 million can be reallocated from funds elsewhere in the State. Mayor Esquivel expressed his dissatisfaction with the proposed resolution. He stated that the resolution was simply a way to kill the railroad overpass issue. He explained the long-term plan with the overpass regarding the proposed loop from Highway 141. Mayor Esquivel stated that if the resolution were approved, the Commission would be telling TxDot that the City of Kingsville does not want the 3.5 million, and they could use it on another railroad overpass in another city. He stated that the vote by the people only denied the City of Kingsville the opportunity to go into the Texas State Infrastructure Bank and borrow money at 4% interest, which equaled to a \$10,000 annual payment. Mayor Esquivel pleaded with the Commission to reconsider the resolution. He asked that the Commission grant him an additional three months. He stated that he met with Mr. Billy Parks, District Engineer 2 1/2 weeks ago, and Mr. Parks granted him 3 months to produce the 1.5 million dollars. He again emphasized how the proposed resolution was presented in order to kill the overpass issue. Mayor Esquivel stated that he is still trying very hard to find the 1.5 million dollars, however all he is asking for at this time is three additional months. He further stated that if he could not come up with the 1.5 million by April 1<sup>st</sup>, he would then sign the resolution that was presented. He stated that signing the resolution at this time would be an injustice to the taxpayers and to our future generations.

There was a discussion regarding the 3.5 million from the State, and what would actually happen to those funds if the overpass were not built. Mr. Hinojosa stated that it was his understanding that those funds would go back into the general fund and used elsewhere.

Mayor Esquivel again requested that the Commission reconsider this item, or at least table the item.

Commissioner Villarreal stated this issue has been discussed over and over again, and it was even taken to the voters. He stated that he is concerned with the volume of traffic on Brahma Boulevard with the South

side of Kingsville being developed. He stated that on the South side there is the hospital, a new nursing home, a new strip mall, Wal-Mart and also Calling Solutions and the construction of the new Navy Housing Project. He stated that General Cavazos improvements need to be done now and that the project needs to move forward quickly. Commissioner Villarreal stated that the Commission needs to request that TxDot move Brahma Boulevard improvements from a priority two project to a priority one project. He stated that it is important that the community start moving forward especially because of the high volume of traffic that could become a safety issue.

Mayor Esquivel stated that the funding for improvements on General Cavazos is already there. TxDot is currently in the process of completing the engineering plans for that street, and the funding is there at 100%. He stated that Brahma Boulevard has nothing to do with this project.

Commissioner Laskowski stated that TxDot informed him that the entire project has been put on hold until the City of Kingsville comes up with the 1.5 million dollars. If the City gave TxDot the go ahead right now, it would still be a year and a half before the project would even begin. Commissioner Laskowski stated that there is a serious traffic problem at General Cavazos and Brahma Boulevard, and there are accidents happening there all the time.

**A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve the proposed resolution as presented.**

Upon a question raised by Mayor Esquivel, Commissioner Laskowski responded that he wants TxDot to plead the City's case with TxDot in Austin, to get the 3.5 million dollars reallocated and to move Brahma Boulevard improvements to a priority one project. Mayor Esquivel stated that the resolution does not need to be approved because if it is approved, the Commission is telling TxDot to get rid of the 3.5 million dollars that was allocated to the overpass. He stated that Commissioner Laskowski was not giving it three months to see if he could get the 1.5 million elsewhere.

Commissioner Garcia stated that he would like to see a clear definition on what actually happens to the money if the City of Kingsville does not come up with the 1.5 million dollars. He stated that he is hearing two conflicting stories on what will actually happen to the money if not used by the City of Kingsville.

Commissioner Arturo Pecos stated that Mr. Billy Parks specifically informed the Commission that if the City of Kingsville did not spend the money that the City of Corpus Christi had some projects and they were on standby for those monies. He stated that if the City of Kingsville does not take advantage of those funds, then the money would be used by Corpus Christi.

Mayor Esquivel one final time requested that the Commission not approve the proposed resolution and allow him three additional months to obtain the 1.5 million dollars needed for the overpass. He again stated that if the 1.5 million were not acquired, then he would sign the proposed resolution.

**The Commission proceeded to vote on the motion to approve the resolution as presented. The motion failed by a 2/3 vote. Mayor Esquivel and Commissioner's Pecos and Garcia cast the dissenting votes.**

5. CONSIDER AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR CANINE CONTROL SERVICES WITH KENEDY COUNTY. (CITY MANAGER).

Mr. Hinojosa stated that Kenedy County requested that the City/County Health Department provide animal control services. He stated that the City/County Health Unit will depart to Kenedy County within a reasonable time after receiving a call from the Kenedy County Sheriff's Department, to gather and transport stray dogs, or a dog who has bitten or scratched an individual and is reasonably foreseen as capable of transmitting rabies or a dog that is suspected of being rabid. Mr. Hinojosa stated that there are certain fees that will be charged, and Kenedy County will be billed for these services. He recommended approval of the proposed agreement.

Mayor Esquivel stated that it is very important that the City of Kingsville receive payment for these services. He stated that he does not want the citizens of Kingsville to be paying for any of these services.

**Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission voted unanimously to authorize the Mayor to enter into an intergovernmental agreement for canine control services with Kenedy County.**

The Commission took a short recess at this time, 8:19 p.m. They reconvened at 8:26 p.m.

It was the consensus of the Commission to move to agenda item number eight at this time.

8. EXECUTIVE SESSION: UNDER SECTION 551.071, TEXAS GOVERNMENT CODE, CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION REGARDING THE FOLLOWING MATTERS: (CITY ATTORNEY).

8.1 CHARGE NO. 360 A0 0144 - LETTER OF DETERMINATION REGARDING ARTHUR M. ROGERS III, REQUEST TO PARTICIPATE IN CONCILIATION NEGOTIATIONS.

The Commission went into the Executive Session at 8:27 p.m. The Executive Session concluded at 8:45 p.m.

The Commission reconvened into open session at 8:46 p.m.

6. REVIEW OF PRELIMINARY FINANCIAL PRO FORMA DATA ON LANDFILL EXPANSION PROJECT AND STATUS OF CURRENT PERFORMANCE OF TASK 4 - CONSTRUCTION DRAWINGS AND TASK 6 - PRO FORMA STUDY, PLAN AND ANALYSIS UNDER THE SECOR MASTER CONSULTING AGREEMENT. (CITY MANAGER).

Mr. Hinojosa stated that Secor Engineering submitted the pro forma study and made several recommendations. Secor informed the City of the options available. The recommendations were to close the landfill, transfer to a contracted landfill, build a transfer station, or work with the current or new permit. Mr. Donald Gonzales, Financial Advisor with Southwest Securities and J. Roy Murray with Secor were both present to address the Commission.

Mr. Gonzales informed the Commission that basically all of the options could be financed. He stated that the Commission could levy the necessary tax rate to support the project. He also stated that as another financing option, the City could continue with the landfill under a new permit with no tax increase.

There was a discussion regarding the landfill sinking fund because Mr. Gonzales stated that the City has not been setting aside any money for closure and post closure expenses. Mr. Hinojosa stated that the post closure account was eliminated. Mayor Esquivel stated that he did not recall eliminating that fund and wanted to make sure that the City is currently allocating 5% of revenues to a sinking fund.

There was a lengthy discussion regarding the financing of the landfill expansion project and which option to proceed with.

Mr. Murray stated that the City currently has about six months to close the landfill. He discussed with the Commission each of the different options.

Mr. Hinojosa stated that he did not agree with the option of closing down the landfill with a transfer station. He stated that would require a high tax increase.

Commissioner Laskowski stated that by spending \$400,000 on a compactor, it could add a couple of years of life of the current cell and perhaps defray some of the costs.

Mayor Esquivel recommended that a committee from members of the community be established to bring together expertise and perhaps the committee could make a recommendation to the Commission. He stated that the committee could consist of finance people, engineers, and business individuals.

Commissioner Laskowski stated that a decision needs to be made real soon because the landfill will be filled in March. He stated that the Commission needs to decide whether to do a permit amendment or work with the current permit.

Mr. Hinojosa stated that Secor is in the process of applying for a one-time height increase, but it is not guaranteed that it would be granted.

Mr. Gonzales informed the Commission that a decision needed to be made tonight on whether or not to move forward with the other cell.

Mayor Esquivel stated that Secor could request the 10' height increase, and then get a recommendation from the committee within 2 1/2 weeks.

It was the consensus of the Commission that staff would schedule public hearings and invite individuals from the community to attend and give their input and recommendations.

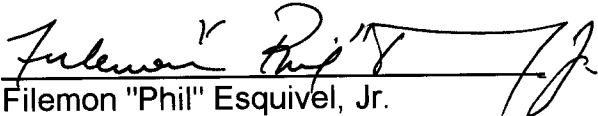
**No action was taken on this item.**

7. CITY MANAGER'S REPORT. (CITY MANAGER).

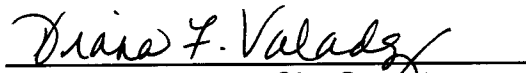
In his report, Mr. Hinojosa informed the Commission that staff has been working in obtaining two different grants. One is for the Police Department and the other is for the Fire Department.

**VI. ADJOURNMENT.**

The meeting then adjourned at 10:35 p.m.

  
\_\_\_\_\_  
Filemon "Phil" Esquivel, Jr.  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Diana F. Valadez, City Secretary